

*Original*

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

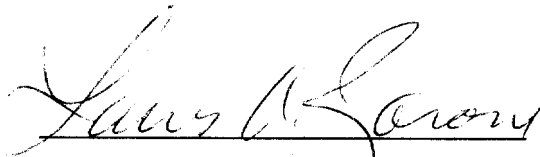
In the matter of )  
 )  
 )  
**Petition of the** )  
**Community Broadcasters Association** )  
**For Establishment of a "Class A"** )  
**Television Service** )

**RM-9260**

To: The Commission - Mail Stop 1170

**FCC MAIL ROOM**  
MAY 15 1998  
**RECEIVED**

**COMMENTS OF W25AW (WZBN TV-25)**  
**AN LPTV STATION LICENSED TO TRENTON, NEW JERSEY**  
Serving Mercer County NJ with a daily local newscast since May 1993.



Louis A. Zaroni, Chairman

WZBN TV, Inc.

W25AW (Known As WZBN TV-25)

77 Shady Lane

Trenton, New Jersey 08619

(609) 586-6185

May 12, 1998

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To: The Commission - Mail Stop 1170

**COMMENTS OF W25AW (WZBN TV-25)**  
**AN LPTV STATION LICENSED TO TRENTON, NEW JERSEY**  
Serving Mercer County, NJ with a daily local newscast since May 1993.

**SUMMARY:**

**FREE LOCAL Broadcast Television News** is not only the domain of rural and isolated communities. Trenton, New Jersey, the Capital City of New Jersey, and its surrounding Townships have only one source of free local TV news, WZBN TV-25 (W25AW) a family owned LPTV station.

Our broadcast news serves more than 15 Municipalities in and around Mercer County, New Jersey. Although Mercer County is in the Philadelphia ADI and receives all of the TV broadcasts from Philadelphia plus all of the TV broadcasts from New York, **none of these full power broadcasters serve this central Jersey community like our family owned LPTV station does. This lack of local TV coverage is a major concern of the New Jersey Senate (EXHIBIT "A"), US Senator Frank Lautenberg (EXHIBIT "B") and NJ Assembly (EXHIBIT "C").**

Without the Establishment of a **Class A Television** service for LPTV, communities such as ours here in Central New Jersey, **will lose a valuable source of free local broadcast TV news.** In the absence of competition , cable providers will step in and fill the gap with Pay Per View local news and deprive non cable subscribers of **FREE Local Broadcast TV news.** This trend has already begun because LPTV has not been given the proper opportunity to do so. LPTV does not have permanent status nor Must Carry anywhere in New Jersey. All of New Jersey is either in the New York or Philadelphia ADI. Given an equal playing field, LPTV will provide the local programming intended for our service.

#### **THE VALUE OF LPTV:**

The value of LPTV and the tremendous service it provides communities such as ours, is evident in the many supporting documents we received during a recent cable carriage dispute with our local cable company. Congress also wants LPTV to survive the pending onslaught of DTV and the cable monopolies.

The large full power stations of Philadelphia and New York are not in a position to provide the depth of coverage needed to properly inform local New Jersey residents of what is going on in their own back yards. LPTV can and will provide local news coverage if given the opportunity to do so.

To illustrate the value of local broadcast TV news stations such as W25AW, (WZBN-a family owned LPTV station in Trenton, NJ, Hamilton Township, Mercer County) I would like to document our community's recent reaction when the local cable company attempted to remove our LPTV station from our 24 hour time slot on cable channel 25, despite a long standing written contract to carry W25AW (WZBN).

### **LOCAL BROADCAST TV NEWS IS IN JEOPARDY:**

For three and a half years TKR Cable Co. of Hamilton Township, NJ, Mercer County has carried W25AW, better known as WZBN TV-25, on cable channel 25 full time 24 hours per day. WZBN has and continues to broadcast a daily newscast of people, places and events taking place in Mercer County, NJ. The program is known as "The Mercer County Update". Our 20 to 25 minute local newscast begins at 7:30 p.m. each weekday evening and is repeated every 30 minutes throughout the night until 10:30 the following morning. Everyone on the TKR cable system (as well as the local UHF viewers) has numerous opportunities to see the local TV news regardless of their work or sleep schedule. This format has been very successful. Only a Low Power TV station could afford to undertake such a dramatic program schedule. This is what will be lost if community minded LPTV stations are forced off the air.

### **TKR CABLE THREATENS TO REMOVE LPTV NEWS STATION:**

In August of 1996 the TKR Cable Co. of Hamilton Township, NJ announced that they were going to remove WZBN, the local news channel, from cable channel 25 and replace it with the new FOX news channel beginning October 8, 1996 and position WZBN (a low power TV station with no carriage rights except for a written contract) on a PEG channel on a part time basis. This reduction of air time on the cable system of 30,000 subscribers would force WZBN out of business.

Advertising is our sole source of income. Our local advertisers would not continue to pay the same daily advertising rate for a dramatically reduced number of commercial spots.

## **COMMUNITY RESPONSE:**

To illustrate the local public response to TKR's threatened removal of WZBN from their full time channel to a part time channel, I have included a variety of newspaper clippings (**EXHIBIT "D"**), personally written letters to TKR (**EXHIBIT "E"**), municipal resolutions (**EXHIBIT "F"**), letters to editors of local newspapers (**EXHIBIT "G"**) and petitions (**EXHIBIT "H"**), for WZBN to remain full time on the TKR cable system. Following is a brief chronological listing of some events.

- |                 |   |
|-----------------|---|
| August 22, 1996 | Trenton Times newspaper headline<br>"TKR to Bounce Hamilton Station from Cable Slot"  |
| August 23, 1996 | Mercer County Freeholders passed a resolution<br>supporting the continuation of the 24 hour programming<br>schedule of WZBN.  |
| August 24, 1996 | Protesters support local news channel 25 in front of TKR<br>cable office.   |
| August 30, 1996 | The Mercer County Latino Chamber of Commerce<br>organizes a protest in support of WZBN in front of TKR<br>cable office.   |
| Sept. 4, 1996   | Hamilton Township Council "Rips TKR Action" and<br>passed a resolution urging TKR to keep WZBN in its<br>current slot and schedule on channel 25.   |
| Sept. 9, 1996   | Trenton City Mayor and Council President lend support to<br>WZBN. Mayor Palmer--"Without WZBN we lose one of the<br>most critical means of communication and public information in<br>the capital city area". |

- Sept. 13, 1996      Washington Township condemns TKR action. "WZBN is a valuable voice in our township community" and passed a resolution opposing the decision of TKR cable Co. to cut WZBN from 24 hours per day to about one hour.
  
- Sept. 20, 1996      WZBN seeks court order to prevent TKR Cable from replacing WZBN with the FOX news channel.
  
- October 2, 1996      Lawrence Township passed a resolution urging TKR to continue to broadcast WZBN on cable channel 25 in its current format and time frame and also encouraged Comcast Cable (of Lawrence Township) to expand Lawrence Township coverage of WZBN.
  
- October 3, 1996      Trenton City Council passed a resolution supporting the efforts of local TV news channel WZBN to retain a 24 hour programming schedule on the TKR cable system of Hamilton.
  
- October 4, 1996      WZBN received a temporary injunction blocking TKR Cable Co. from slashing the hours it carries WZBN Broadcasts and from moving it to a different channel.
  
- April 16, 1997      Settlement agreement reached with TKR to air additional broadcast of locally produced programming.

In addition to all of the municipal resolutions, protest demonstrations and political endorsements supporting the local news format of WZBN, numerous letters, phone calls and petitions were sent to the TKR General Manager and Company President asking them to reconsider their decision to replace the local news channel with another national news channel. All of them expressed the value and need for local television news and urged TKR to keep the LPTV station WZBN on the air full time.

Over 200 individually written letters were sent to TKR in support of WZBN. The following is a sampling of those letters. (See EXHIBIT "I")

- Senator Bill Bradley (D) NJ
- Congressman Christopher Smith (R) NJ
- The local president of the United Way
- The American Red Cross, local office
- The Hamilton Township Board of Education
- The Latino Chamber of Commerce of Mercer County, NJ
- The Mercer County Sheriff
- Mercer County Labor Union Council, AFL-CIO
- Hamilton Township Jaycees
- Trenton Municipal Court
- Board of Fire Commissioners
- Kuser School PTA
- New Jersey State Policeman's Benevolent Association
- Washington Township Committeeman
- New Jersey Supervisor of Public Education
- Andrea Spellman---11 years old
- Mrs. Rose H. Leming--Cable viewer

Five separate municipalities passing resolutions supporting WZBN:  
(EXHIBIT "F")

Mercer County Freeholders  
Trenton City  
Hamilton Township  
Lawrence Township  
Washington Township

Numerous letters-to-the-Editor were sent to local newspapers.  
(EXHIBIT "G")

Petitions, Petitions, and more Petitions---over 5,000 local residents signed petitions and group letters in support of a full time channel for WZBN. (EXHIBIT "H")

I have listed only a portion of the tremendous outpouring of support from the viewers of a our LPTV station that produces a daily 25 minute newscast of events taking place in their Central New Jersey community.

This outpouring of public support illustrates the value of local LPTV news stations and the need to maintain and enhance the opportunity for LPTV broadcasters in the larger urban markets as well as the smaller isolated communities..

**TKR Cable Co. has totally ignored the public outcry for LOCAL news as seen on WZBN, a Low Power (No Power) TV station.**

## **PROBLEMS & POSSIBLE SOLUTIONS**

### **CREATE A NEW CLASS OF PERMANENT STATIONS**

**PROBLEM:** The future for LPTV stations in major TV markets is very uncertain. Numerous small communities within the major urban TV markets may never have the opportunity to view first hand their own local news events, such as: elections, high school/college sports, business, social and community activities. Many LPTV stations have dedicated themselves to meeting the needs of the small local communities they serve within the major urban TV markets. There is a solution for this problem.

**DISCUSSION:** When FCC established LPTV as a secondary broadcast service, secondary status effectively meant that issues of signal interference were decided in favor of full service television broadcasters. For the first 15 years of this service, some stations had to redirect their signals, others had to find another frequency but fewer than 10 actually went dark. The abundance of spectrum was a key factor in minimizing hardship with this policy. Now with the adoption of DTV and the allocation of additional TV channels to the full power stations, the threat of destruction of LPTV is even greater.

FCC recognizes the fact that there are a number of serious LPTV broadcasters who provide an important community service to local ethnic and charitable groups while maintaining a positive programming schedule for all residents of their service area. These broadcasters provide not only diversity and strength in their programming but also provide many direct economic benefits to their communities, including diversity in ownership. While these benefits are documented and recognized, the business climate for LPTV broadcasters is bleak. As seen with the DTV rule-making, secondary status has evolved into a practice whereby the government is free to place any public policy objective it wants to pursue ahead of any LPTV broadcaster's rights to continued use of his/her authorized and licensed broadcast spectrum.

**PROPOSED SOLUTION:** FCC needs to adopt the CBA's proposal for a new class of permanent stations dedicated to providing local broadcast television to underserved urban and rural communities.

It has been the expressed goal of Congress and the FCC to create competition and diversity in TV broadcasting. The LPTV stations of this country can and will provide a diversity of local programming if allowed the opportunity to do so.

#### **CONCLUSION:**

If special provisions are not made for community minded LPTV stations our Country will be left only with major TV networks and cable conglomerates that do not and cannot provide the FREE local news of local elections, local high school sports , student academic achievements, local business news and local social and charitable events.

LPTV has been on the edge of destruction every since its creation, and yet we independent entrepreneurs push forward with the hope that somehow, somewhere we will have the opportunity to serve our communities without the threat of extinction.

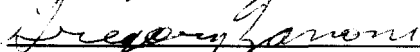
WHEREFORE, for the foregoing reasons, this petitioner respectfully requests that the commission revise the rules and establish a Class "A" designation for Low Power TV Stations that conform to the standards proposed by the Community Broadcasters Association.

1. Adopt the full status of the Community Broadcasters Association **Petition For Rule Making, RM-9260.**
2. Grandfather in those LPTV stations that have a record of valuable community service.

Respectfully submitted,



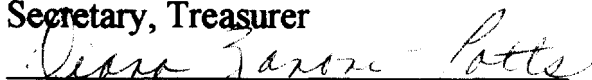
Louis A. Zaroni  
WZBN TV-25, Inc.  
Chairman, (W25AW) WZBN TV-25  
77 Shady Lane  
Trenton, NJ 08619



Gregory L. Zaroni  
President



Doreen Zaroni-Damico  
Secretary, Treasurer

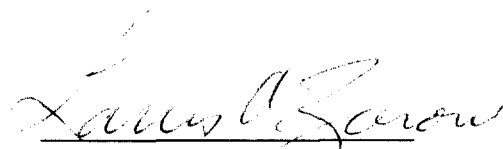


Diana Zaroni-Potts  
Director

## CERTIFICATE OF SERVICE

I, Louis A. Zaroni, do hereby certify that on this 12th day of May, 1998, I have caused a copy of the foregoing REPLY COMMENTS OF W25AW (WZBN TV-25) to be served via first-class United States Mail, postage prepaid to:

Attn: Sherwin Grossman, President  
Community Broadcasters Association  
1520 N.W. 79th Ave.  
Miami, FL 33126

  
\_\_\_\_\_  
Louis A. Zaroni

Comments of  
W25AW (WZBN TV-25)  
On RM-9260  
May 13, 1998

**EXHIBIT "A"**

**New Jersey Senate Resolution No. 28**

# SENATE TRANSPORTATION COMMITTEE

## STATEMENT TO

### SENATE RESOLUTION No. 28

with committee amendments

# STATE OF NEW JERSEY

DATED: MAY 9, 1996

The Senate Transportation Committee favorably reports Senate Resolution No. 28 with committee amendments.

As amended, this Senate Resolution urges the New Jersey Congressional Delegation to introduce and support legislation to grant "Must Carry" rights for Low Power Television (LPTV) stations within the State of New Jersey when those stations broadcast local news and community information on a regular basis and to ensure the preservation of LPTV service during and after the transition from analog to digital television.

LPTV stations provide television coverage of local news and community information. There are seven independent licensed LPTV stations and three New Jersey Network (NJN) Low Power Television repeaters on the air in New Jersey and the Federal Communications Commission (FCC) has authorized the construction of 16 more independent stations and three construction permits for NJN in the State. However, LPTV stations do not enjoy the same right as full power stations to be carried on local cable systems under the Cable Television Consumer Protection and Competition Act of 1992. Further, while the FCC is planning the transition from analog to digital television broadcasting, it has not made transitional arrangements for LPTV stations. As such, it is vital that federal legislation be passed granting "Must Carry" rights for LPTV stations for the regions they serve within the State and ensuring the preservation of Low Power Television after the transition to digital broadcasting.

The committee amended the resolution to clarify and update its provisions.

[First Reprint]

SENATE RESOLUTION No. 28

STATE OF NEW JERSEY

INTRODUCED MARCH 14, 1996

By Senator INVERSO

1 A SENATE RESOLUTION encouraging the New Jersey Congressional  
2 Delegation to support federal legislation providing for greater local  
3 television coverage for the State of New Jersey.

4  
5 WHEREAS, The residents of New Jersey have a strong desire to  
6 receive television coverage of local news and information '[of]  
7 concerning' their immediate community; and

8 WHEREAS, The small number of full power television stations  
9 allocated to the State of New Jersey is inadequate to meet the  
10 television coverage needs of the State; and

11 WHEREAS, There are '[five] seven' licensed Low Power Television  
12 (LPTV) stations 'and three New Jersey Network (NJN) Low  
13 Power Television repeaters' on the air, which cover local news and  
14 community information, and the Federal Communications  
15 Commission (FCC) has authorized the construction of 16  
16 '[additional] more independent' LPTV stations 'and three  
17 construction permits for NJN' in the State of New Jersey; and

18 WHEREAS, LPTV stations do not have the right, enjoyed by full  
19 power stations, to be carried on the local cable systems within New  
20 Jersey because of a provision in the Cable Television Consumer  
21 Protection and Competition Act of 1992, which limits "Must Carry"  
22 'rights' to LPTV stations outside the largest 160 Metropolitan  
23 Statistical Areas and communities of license with populations less  
24 than 35,000; and

25 WHEREAS, The cable operators of New Jersey have been very  
26 reluctant to carry LPTV stations unless legally compelled to do so,  
27 even when LPTV stations are broadcasting local news and  
28 community information; and

29 WHEREAS, This provision in the federal law and the conduct of cable  
30 systems severely hamper the ability of LPTV stations to provide  
31 local news and community information desired by residents of New

EXPLANATION - Matter enclosed in hold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Senate STR committee amendments adopted May 9, 1996.

1 Jersey; and

2 WHEREAS, The FCC is planning the transition of television  
3 broadcasting from analog to digital but has not provided for the  
4 same transition for LPTV stations, and the FCC's failure to preserve  
5 LPTV service during and after the transition to digital broadcasting  
6 threatens the future of the local news and community information  
7 provided by those stations to the State of New Jersey; and

8 WHEREAS, It is altogether fitting and proper for this House to urge  
9 the New Jersey Congressional Delegation to introduce and support  
10 legislation to grant "Must Carry" rights for LPTV stations 'for the  
11 regions they serve' within the State of New Jersey when those  
12 stations broadcast local news and community information on a  
13 regular basis and to ensure the preservation of LPTV service during  
14 and after the transition from analog to digital television, as such  
15 legislation will greatly benefit the citizens of the State of New  
16 Jersey; now, therefore,

17

18 BE IT RESOLVED *by the Senate of the State of New Jersey:*

19

20 1. The New Jersey Congressional Delegation is urged to introduce  
21 and support legislation to grant "Must Carry" rights for Low Power  
22 Television stations 'for the regions they serve' within the State of  
23 New Jersey when those stations broadcast local news and community  
24 information on a regular basis and to ensure the preservation of Low  
25 Power Television service during and after the transition from analog  
26 to digital television.

27

28 2. Duly authenticated copies of this resolution, signed by the  
29 President of the Senate and attested by the Secretary thereof, shall be  
30 transmitted to each member of Congress elected thereto from this  
31 State.

32

33

34

35

36 Urges NJ Congressional Delegation to support federal legislation  
37 providing for greater local television coverage.

Comments of  
W25AW (WZBN TV-25)  
On RM-9260  
May 13, 1998

**EXHIBIT "B"**

**Senator Frank R. Lautenberg's Letter**

FRANK R. LAUTENBERG  
NEW JERSEY

United States Senate  
WASHINGTON, DC 20510-3002

COMMITTEES  
APPROPRIATIONS  
BUDGET  
ENVIRONMENT AND PUBLIC WORKS  
SMALL BUSINESS  
HELSINKI COMMISSION

March 24, 1997

Mr. Louis Zaroni  
Chairman  
WZBN TV-25  
77 Shady Lane  
Trenton, New Jersey 08619-1828

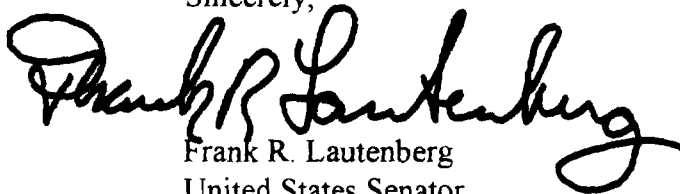
Dear Mr. Zaroni:

As the Federal Communications Commission (FCC) formulates an effective plan for the transition from analog to digital broadcasting, I thought that you would be interested in a letter I signed to Reed Hundt, Chairman of the FCC. I am enclosing the letter for your review.

I welcome the advent of digital television. However, I am also concerned about the impact that the FCC's rulemaking proceeding on digital television may have on low power television. Stations such as yours provide valuable service to our community and should be protected when possible. I am hopeful that the FCC will take these concerns into account as they continue the process.

As always, I appreciate your input on this matter. Do not hesitate to contact me on this or any other issue.

Sincerely,



Frank R. Lautenberg  
United States Senator

FRL/rmm  
Enclosure

REPLY TO:

506 HART SENATE OFFICE BUILDING  
WASHINGTON, DC 20510-3002  
(202) 224-4744

Internet: frank.lautenberg@lautenberg.senate.gov

ONE NEWARK CENTER 14TH FLOOR  
NEWARK, NJ 07102-5257  
(201) 645-3030

BARRINGTON COMMONS  
208 WHITE HORSE PIKE  
SUITE 18-19  
BARRINGTON, NJ 08007-1322  
(609) 757-5353

97 MAR 12 AM 10:01

# United States Senate

WASHINGTON, DC 20510

March 6, 1997

Honorable Reed E. Hundt  
Chairman  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

Dear Mr. Chairman:

We are writing to express our concern about the impact the Commission's rule making proceeding on digital television (MM Docket No. 87-268) is having on low power television ("LPTV") and translator stations. While the Sixth Further Notice of Proposed Rule Making includes much discussion about LPTV, the fundamental engineering exercise the Commission is using to distribute digital channels completely ignores LPTV stations. The prospect of losing 50-60 percent of the LPTV broadcast service and more than 10 percent of translator stations is neither good public policy nor an acceptable result of this rule making.

Low power stations have much in common with full power stations. They broadcast local, network, and syndicated programming. Many LPTV stations offer a full service daily program schedule, just as many full power stations. Other LPTV stations, again like their full power counterparts, have predominantly religious, home shopping, all news, all sports or movie formats. For some very practical reasons, many LPTV stations provide more local and "niche" programming than others because their service areas are smaller, their audiences are more targeted, and they need to reach out to under served communities in order to build and maintain their market share.

While we defer to the Commission on technical issues, we strongly encourage you to take whatever action you can to make more efficient use of very valuable spectrum resources for broadcast television. Many current restrictions on UHF taboos, power levels and interference significantly reduce channel availability for LPTV and translator stations that will be displaced through the allotment of second channels to all full power stations. If the Commission reviews these restrictions and also encourages full power stations to use their second channel for transitional purposes only, instead of trying to serve exactly the same area with separate analog and digital signals, it should be possible to preserve both full and low power television services for the public and bring LPTV and translator stations along with full power into the digital age.

Letter to FCC Chairman Hundt  
Page 2

We appreciate the complexity of these issues and are mindful of the significant amount of work done by you, your colleagues and staff. It is not our purpose to frustrate or delay the process. We are deeply concerned, however, that a single rule making proceeding could have such a devastating effect on valuable television broadcast services. We believe that the LPTV and translator station issue must be addressed and resolved now, while there is still time to prevent the loss of significant local service and other positive programming that is clearly of significant benefit to the public.

Sincerely,

Jesse Helms

Dundell Ford

Rick Sutorius

Jack Reed

Strom Thurmond

Tom Rahn

Phil M. Small

Richard Shelby

Thom Fenwick

Henry

Don Wyder

Frank W. Marshall

Paul Wellstone

Rick Santorum

John H. Chafee

Chuck Robb

Bob Smith

Herb Kohl

Carl Mosley Brown

Ly 2 L

John Breau

Vale Bumpert

Joe Corvase

John Gregg

Bill D. Connelly

Max Cleland

Sam Brown

Phil Dole

Alvin Leger

Robert C. Byrd

Craig Thomas

Ed Brown

Dick Durbin

John Warner

R. A. Till

Jack Hainlock

Jeff Levens

John Glenn

Frank R. Lautenberg

Michael B.

John A. Hancock

Carl Levin

Comments of  
W25AW (WZBN TV-25)  
On RM-9260  
May 13, 1998

**EXHIBIT "C"**

**New Jersey General Assembly Letter**



## NEW JERSEY GENERAL ASSEMBLY

REED GUSCIORA  
ASSEMBLYMAN, 15TH DISTRICT  
214 WEST STATE STREET  
TRENTON, NJ 08608

(609) 292-0500

FAX (609) 633-2179

e-mail: [asm.rgusciora@worldnet.att.net](mailto:asm.rgusciora@worldnet.att.net).

COMMITTEES  
ENVIRONMENT, SCIENCE  
AND TECHNOLOGY  
AGRICULTURE AND WASTE  
MANAGEMENT  
NEW JERSEY DOME PROJECT  
STATE BEACH EROSION  
COMMISSION

March 10, 1998

Hon. Frank Lautenberg  
United States Senate  
Hart Senate Office Building  
Room 506  
Washington, D.C. 20510

Dear Senator Lautenberg:

I am writing to urge you to consider co-sponsoring S.1427, the Community Broadcasters Protection Act. This legislation, sponsored by Senator Wendell Ford, would go a long way toward assisting local low power television stations to survive during the transition to digital television.

Here in Mercer County, WZBN-TV25 would join other small cottage stations around the state and country in benefitting from passage of this legislation. WZBN offers extensive coverage of local and state news while still maintaining their excellent coverage of high school sports and area human interest stories. While they have covered some events of yours in the past, I would be happy to introduce you to the station representatives and bring you on a tour of their Hamilton Township facility. They would be able to show you first hand the work and service they do for the local community. As elected officials, I believe we should do anything in our power to support quality local programming which has such an obvious, positive impact in our community. Again, I would respectfully request you consider this important legislation.

Thank you in advance for your consideration and please feel free to notify me if you would be interested in touring the WZBN facilities or if you have any questions.

Very truly yours,

*cc: Kay Zannoni*

Comments of  
W25AW (WZBN TV-25)  
On RM-9260  
May 13, 1998

**EXHIBIT "D"**

**Community Involvement Newspaper Clippings**